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Viewing cable 08BOGOTA3718, URIBE-SUPREME COURT FEUD SPAWNS FEARS OF

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Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

To understand the justification used for the classification of each cable, please use this [WikiSource](#) article as reference.

Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#08BOGOTA3718**.

Reference ID	Created	Released	Classification	Origin
08BOGOTA3718	2008-10-09 20:07	2011-08-30 01:44	CONFIDENTIAL	Embassy Bogota

Appears in these articles:

<http://www.semana.com/wikileaks/Seccion/168.aspx>

VZCZCXYZ0000
PP RUEHWEB

DE RUEHBO #3718/01 2832007
ZNY CCCCC ZZH
P 092007Z OCT 08
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC PRIORITY 5033
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8430
RUEHCV/AMEMBASSY CARACAS PRIORITY 1143
RUEHPE/AMEMBASSY LIMA PRIORITY 6628
RUEHZP/AMEMBASSY PANAMA PRIORITY 2479
RUEHQT/AMEMBASSY QUITO PRIORITY 7320
RUEKJCS/SECDEF WASHDC PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RHMFIUU/FBI WASHINGTON DC PRIORITY
RHMFISS/CDR USSOUTHCOM MIAMI FL PRIORITY

id: 173270
date: 10/9/2008 20:07
refid: 08BOGOTA3718
origin: Embassy Bogota
classification: CONFIDENTIAL
destination: 08BOGOTA1722
header:

VZCZCXYZ0000
PP RUEHWEB

DE RUEHBO #3718/01 2832007
ZNY CCCCC ZZH
P 092007Z OCT 08
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC PRIORITY 5033
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8430
RUEHCV/AMEMBASSY CARACAS PRIORITY 1143
RUEHPE/AMEMBASSY LIMA PRIORITY 6628
RUEHZP/AMEMBASSY PANAMA PRIORITY 2479
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RHEHNSC/NSC WASHDC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RHMFIUU/FBI WASHINGTON DC PRIORITY
RHMFISS/CDR USSOUTHCOM MIAMI FL PRIORITY

----- header ends -----

C O N F I D E N T I A L BOGOTA 003718

SIPDIS

E.O. 12958: DECL: 10/07/2018
TAGS: [PGOV](#) [PREL](#) [PTER](#) [PHUM](#) [KJUS](#) [CO](#)
SUBJECT: URIBE-SUPREME COURT FEUD SPAWNS FEARS OF
POLITICIZED JUDICIARY

REF: BOGOTA 1722

Classified By: Political Counselor John Creamer
Reasons 1.4 (b and d)

SUMMARY

¶1. (U) The conflict between President Uribe and the Supreme Court spilled into the judiciary after the Superior Judicial Council (CSJ)--one of Colombia's four top courts--ordered the Supreme Court to delete all references to Social Protection Minister Diego Palacio from its ruling accepting the guilty plea of former Congresswoman Yidis Medina. The Court refused, arguing its rulings are not subject to modification. Colombia's Constitutional Court may now weigh in on the issue. Constitutional Court magistrate Manuel Cepeda told us Uribe's allies packed the CSJ with party loyalists to use it to head off the Supreme Court's parapolitical investigations. The judicial turf wars and charges of politicization are unlikely to end anytime soon, especially given the polarized political climate generated by the parapolitical investigations and a possible third term for President Uribe.
End Summary.

TWO HIGH COURTS DISPUTE FACTS, JURISDICTION

¶2. (U) Colombia's Superior Judicial Council on October 1 ruled that the Supreme Court should strike all references to Social Protection Minister Diego Palacio from the guilty plea of former Congresswoman Yidis Medina. Medina pled guilty to bribery in June, alleging Palacio and other officials in 2004 had arranged for plum jobs for her supporters in exchange for her vote to change the Constitution to allow Uribe's 2006 re-election (reftel).

¶3. (U) Using a constitutional mechanism known as a "tutela" (guardian plea) Palacio protested the inclusion of his name in the conviction, contending it violated his right to a presumption of innocence. The Prosecutor General's Office (Fiscalia) is investigating Palacio and former Justice and Interior Minister Sabas Pretelt. The Council--one of Colombia's four high courts along with the Supreme Court, Constitutional Court, and State Council--ruled that the Supreme Court's wording took Palacio's involvement as a proven fact, not an unproven allegation. The Council noted this could prejudice Palacio's right to due process and a

fair trial, though the body also stressed its ruling had no bearing on the Fiscalia's ongoing investigation.

¶4. (U) The Supreme Court responded that its rulings were "unchangeable," the Council's ruling "foolish," and suggested the Council was trying to distort the Court's motivations. A Supreme Court statement noting that it had not implied Palacio's guilt and "categorically" rejected efforts to interfere with its investigations. Further muddying the waters, Inspector General (Procurador) Edgardo Maya on October 2 asked the Constitutional Court to annul Medina's conviction on the grounds that bribery requires at least two parties. The absence of a conviction against someone for bribing Medina implied her innocence.

AND A THIRD HIGH COURT MIGHT FAIL TO RESOLVE

¶5. (C) The "train wreck" between competing high courts will likely move to the Constitutional Court. The Constitutional Court has the final word on constitutional matters, but has been involved in its own jurisdictional battles with the Supreme Court. Constitutional Court Magistrate Manuel Cepeda told us he was unsure if/when his body would rule on the matter, as six of its nine members are due to be replaced by March 1, 2009. Still, he said President Uribe and his Congressional allies, under pressure due to the parapolitical investigations, packed the Superior Council with party loyalists rather than judicial experts. He voiced concern that the same would happen with the Constitutional Court. President Uribe, the Supreme Court, and the CSJ will each name two candidates to fill the six vacancies that must be filled by March 1, 2009.

¶6. (C) Cepeda said the Supreme Court recently altered its position on hearing tutelas in an effort to block the CSJ from receiving more tutelas challenging Supreme Court rulings. Still, it is unclear if the Council will accept the Supreme Court ruling. Council Magistrate Angelino Lizcano--a staunch Uribe ally and former Secretary General of the House of Representatives--told us the Council acted in response to "questionable and political" Supreme Court rulings. Lizcano noted that numerous media reports had detailed suspect ties between Supreme Court magistrates and known narco influences. The problem, Lizcano added, is that individual cases have become hostage to the Uribe-Court and intra-Court battles--with all sides accusing the other of "politicizing" the cases and rulings.

¶7. (C) The battles among the various courts could affect a possible third term for President Uribe, since a third term referendum to amend the constitution (now in Congress) must be approved by the Constitutional Court. In 2005, the Constitutional Court upheld the constitutionality of the amendment allowing a second Uribe term, but it said an amendment to permit a third term would violate the Constitution's essence and would be unconstitutional. Constitutional Court Magistrate and former Uribe legal advisor Mauricio Gonzalez told us the current Court would likely not approve a third term, but he expects the new Court members to be more friendly to Uribe. He predicted that the judicial turf battles and charges of politicization are not likely to end anytime soon.

BROWNFIELD

=====CABLE ENDS=====